

REMARKS

I. INTRODUCTION

The Office Action rejects each of claims 1-20 under 35 U.S.C. § 102(b). The Applicant respectfully asserts that this Response fully traverses the rejection of record for each of claims 1-20 pending in the present application. Therefore, the Applicant respectfully asks the Examiner to withdraw the rejections and pass this application to issue.

II. ARGUMENTS

The Office Action rejects each of claims 1-20 as anticipated over Victor et al., U.S. Patent No. 4,751,380 (hereinafter *Victor*). However, the Applicant reminds the Examiner that M.P.E.P. § 2131 requires that, to be anticipatory, a reference must teach each and every limitation of the rejected claims. The Applicant respectfully asserts that each of the rejected claims recites limitations that not taught by *Victor*, thus *Victor* does not anticipate any of claims 1-20.

Claim 1 recites “creating an interference pattern by reflecting light from said surface,” and claim 15 recites “a source of electromagnetic radiation producing an interference pattern.” In rejecting claims 1 and 15, the Office Action has opined that feature 35 of Figure 1 and Figure 4 in *Victor* is an interference pattern in accordance with claim 1. However, a review of *Victor* shows feature 35 to be a square representing the active area of detector 25. See feature 35 description, column 4 lines 35-36 of *Victor*. Feature 35 is certainly not an interference pattern. Therefore, *Victor* does not teach each and every limitation of either claim 1 or claim 15 and cannot be said to anticipate them. The Applicant respectfully asks the Examiner to withdraw the rejections.

The differences between the present invention and the teaching of *Victor* are made even more apparent when viewed in light of the dependent claims. For example, claims 3 and 16 specifically identify the interference pattern as comprising a speckle formed from interference of coherent light. The Office Action rejects claims 3 and 16 by citing in *Victor* feature 16 of Figure 1 and feature 18 of Figure 1a. However both feature 16 and feature 18 are grid patterns etched into a surface. Neither are a speckle, and neither are produced in any way by coherent light. Thus, *Victor* cannot be said to anticipate claims 3 and 16 either.

Claims 2-7 depend from claim 1 and claims 16-20 depend from claim 15. Thus each of claims 2-7 and claims 16-20 inherit the limitations of their respective base claim. While each of claims 2-7 and 16-20 recite limitations that make it patentable in its own right, each is at least patentable for depending from a patentable base claim. Therefore, the Applicant respectfully asks the Examiner to withdraw the rejection of claims 2-7 and 16-20 as well.

Claim 8 recites “sensors detecting signal patterns relating to motion of said sensors relative to an interference pattern.” The Office Action contends that sensors A-G in Figures 3 and 5 of *Victor* teach this limitation. However, the Applicant respectfully points out that the system of *Victor* does not generate an interference pattern at all. Rather, *Victor* detects movement relative to a pattern etched into a surface, as described in the textual references cited by the Office Action, and sensors A-G are arranged to detect this motion. Thus, *Victor* does not have “sensors detecting signal patterns relating to motion of said sensors relative to an interference pattern,” and does not anticipate claim 8. The Applicant respectfully asks the Examiner to withdraw the rejection.

Claims 9-14 depend from claim 8 and inherit all of that claim’s limitations. While each of claims 9-14 recite limitations that make them patentable in their own right, each is at least patentable for depending from a patentable base claim. Therefore, the Applicant respectfully asks the Examiner to withdraw the rejections of claims 9-14 as well.

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3718, under Order No. 10030185-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568257958US, in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: July 26, 2006

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